

**Abdul Hassan Law Group, PLLC**  
**215-28 Hillside Avenue**  
**Queens Village, New York, 11427**

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**Abdul K. Hassan, Esq.**  
Email: [abdul@abdulhassan.com](mailto:abdul@abdulhassan.com)  
***Employment and Labor Lawyer***

Tel: 718-740-1000  
Fax: 718-740-2000  
Web: [www.abdulhassan.com](http://www.abdulhassan.com)

**August 27, 2021**

**Via ECF**

Hon. Analisa Torres, USDJ  
United States District Court, SDNY  
500 Pearl Street, Courtroom: 15D  
New York, 10007 NY  
Tel: 212-805-0292

**Re: Shaw v. ProCore, LLC**  
**Case #: 21-CV-03883 (AT)(SDA)**  
**Joint Letter**

Dear Judge Torres:

My firm represents plaintiff in the above-referenced action. Pursuant to Your Honor's Initial Pretrial Conference Order, dated May 5, 2021 (ECF No. 5), the parties respectfully submit this joint letter in advance of the upcoming initial pretrial conference scheduled for September 2, 2021.

**1. Brief Description of the Case**

This is an action to recover alleged unpaid wages, including unpaid overtime wages, liquidated damages, penalties, etc. on behalf of plaintiff under the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL"). This Court has jurisdiction over the FLSA claims under 29 USC § 216(b) and 28 U.S.C. §§ 1331, and supplemental jurisdiction over the NYLL claims pursuant to 28 U.S.C. § 1367.

**(a) The factual and legal bases for the claim(s), as described by Plaintiff.**

A recitation of the pertinent facts can be found in plaintiff's complaint. (ECF No. 1). In essence, however, plaintiff alleges that she was employed by Defendant from in or around June 2019 to on or about March 11, 2021, as a manual worker walking/making rounds, handling deliveries, doing laundry, assembling furniture and furnishing for rooms, mopping, cleaning and general maintenance, helping residents with food, laundry, meals, etc. Plaintiff was not paid at

least 1.5 times her regular rate for her weekly hours over forty. Plaintiff also seeks maximum liquidated damages – including liquidated damages on all wages paid other than weekly, recovery for violations of NYLL §195(1) and NYLL § 195(3) for not receiving the required Notice(s) and Statement(s), from Defendant, legal fees and costs.

**(b) The factual and legal bases for the defense(s), as described by Defendants.**

Plaintiff worked for Defendant as an Office Assistant - a non-exempt hourly position - from January 18, 2019 to July 13, 2020, and then as a Security Manager - an exempt position - from July 13, 2020 to March 11, 2021. In her Complaint, Plaintiff alleges that, pursuant to the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”), she is entitled to unpaid overtime wages from Defendant for working more than forty hours in a week and not being paid an overtime rate of at least 1.5 times her regular rate for all such hours. Defendant’s legitimate payroll and time records – which have already been provided to Plaintiff – clearly show that Plaintiff was properly compensated for all hours worked as an Office Assistant and Plaintiff has not provided any credible evidence demonstrating otherwise. Plaintiff was subsequently compensated on a salary basis during her employ as a Security Manager, which was properly classified as an exempt position under the FLSA and NYLL. As a result, Plaintiff was not entitled to overtime pay under federal or state law. It is Defendant’s position that Plaintiff was not a “manual worker” at any time during her employment with Defendant, and Plaintiff was provided adequate notices.

**2. Contemplated Motions**

The parties each anticipate making a motion for summary judgment at the conclusion of discovery. No other motions are anticipated at this time.

**3. Prospect for Settlement**

The parties participated in a mediation on July 14, 2021, through this Court’s mediation program, but were unable to resolve the case. The parties are not opposed to continued settlement discussions.

We thank the Court in advance for its time and consideration.

Respectfully submitted,

Abdul Hassan Law Group, PLLC

/s/ Abdul Hassan  
By: Abdul K. Hassan, Esq. (AH6510)  
*Counsel for Plaintiff*